

**Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (cancelled)

Claim 2 (cancelled)

Claim 3 (cancelled)

Claim 4 (cancelled)

Claim 5 (cancelled)

Claim 6 (cancelled)

Claim 7 (cancelled)

Claim 8 (cancelled)

Claim 9 (cancelled)

Claim 10 (cancelled)

Claim 11 (currently amended)

An RNA hairpin construct comprising a promoter operably linked to a sense-oriented RAFTIN1 nucleotide sequence, an intron and an antisense-oriented RAFTIN1 nucleotide sequence, the construct conferring male sterility or modulated male fertility in plant cells, plant seeds or plants transformed with the construct .

Claim 12 (original)

A transformation vector comprising a sequence encoding the RNA hairpin construct of claim 11.

Claim 13 (currently amended)

The transformation vector of claim 12 wherein said sequence encoding the RNA hairpin construct is operably linked to and under the control of a RAFTIN1 gene promoter sequence.

Claim 14 (original)

A method for producing a cell of a plant having male sterility or modulated male fertility which method comprises transforming said cell with the transformation vector of claim 12.

Claim 15 (original)

A method for producing a plant having male sterility or modulated male fertility which method comprises transforming a cell of said plant with the transformation vector of claim 12 and multiplying said cell to yield said plant.

Claim 16 (original)

A transformed plant cell comprising a sequence encoding the RNA hairpin construct of claim 11.

Claim 17 (original)

A male-sterile plant or seed thereof comprising transformed plant cells as defined in claim 16.

Claim 18 (cancelled)

Claim 19 (cancelled)

Claim 20 (new)

The construct of claim 11, wherein the RAFTIN1 nucleotide sequence comprises SEQ ID NO: 29, SEQ ID NO: 30, SEQ ID NO: 32, SEQ ID NO: 33, SEQ ID NO: 35, SEQ ID NO: 36, SEQ ID NO: 37 or SEQ ID NO: 38.

Claim 21 (new)

The construct of claim 20, wherein the promoter comprises SEQ ID NO: 31, SEQ ID NO: 34 or SEQ ID NO: 39.

Claim 22 (new)

The transformation vector of claim 12, wherein the RAFTIN1 nucleotide sequence comprises SEQ ID NO: 29, SEQ ID NO: 30, SEQ ID NO: 32, SEQ ID NO: 33, SEQ ID NO: 35, SEQ ID NO: 36, SEQ ID NO: 37 or SEQ ID NO: 38.

Claim 23 (new)

The transformation vector of claim 22, wherein the promoter comprises SEQ ID NO: 31, SEQ ID NO: 34 or SEQ ID NO: 39.

Claim 24 (new)

The method of claim 14, wherein the RAFTIN1 nucleotide sequence comprises SEQ ID NO: 29, SEQ ID NO: 30, SEQ ID NO: 32, SEQ ID NO: 33, SEQ ID NO: 35, SEQ ID NO: 36, SEQ ID NO: 37 or SEQ ID NO: 38.

Claim 25 (new)

The method of claim 24, wherein the promoter comprises SEQ ID NO: 31, SEQ ID NO: 34 or SEQ ID NO: 39.

Claim 26 (new)

The cell of claim 16, wherein the RAFTIN1 nucleotide sequence comprises SEQ ID NO: 29, SEQ ID NO: 30, SEQ ID NO: 32, SEQ ID NO: 33, SEQ ID NO: 35, SEQ ID NO: 36, SEQ ID NO: 37 or SEQ ID NO: 38.

Claim 27 (new)

The cell of claim 26, wherein the promoter comprises SEQ ID NO: 31, SEQ ID NO: 34 or SEQ ID NO: 39.

Claim 28 (new)

The plant or seed of claim 17, wherein the RAFTIN1 nucleotide sequence comprises SEQ ID NO: 29, SEQ ID NO: 30, SEQ ID NO: 32, SEQ ID NO: 33, SEQ ID NO: 35, SEQ ID NO: 36, SEQ ID NO: 37 or SEQ ID NO: 38.

Claim 29 (new)

The plant or seed of claim 28, wherein the promoter comprises SEQ ID NO: 31, SEQ ID NO: 34 or SEQ ID NO: 39.